

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GONZALO HERNANDEZ ALAMILLA,

Petitioner,

v.

Civil Action No. **3:23CV387 (RCY)**

WARDEN AT FCI PETERSBURG,

Respondent.

MEMORANDUM OPINION

Petitioner, a federal prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Memorandum Order entered on June 16, 2023, the Court directed Petitioner, within thirty (30) days of the date of entry thereof, to pay the \$5.00 filing fee or complete and return an *in forma pauperis* affidavit. Petitioner failed to comply with that requirement. Accordingly, by Memorandum Opinion and Order entered on July 25, 2023, the Court dismissed the action without prejudice.

On August 2, 2023, the Court received a Motion to Reopen from Petitioner along with the \$5.00 filing fee. In his Motion to Reopen, Petitioner asserts that he did not receive the June 16, 2023 Memorandum Order until July 25, 2023, at which point he promptly submitted the \$5.00 filing. Petitioner's Motion to Reopen (ECF No. 6) will be GRANTED. The July 25, 2023 Memorandum Opinion and Order will be VACATED and the Court will continue to process the action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: August 8, 2023
Richmond, Virginia

/s/
Roderick C. Young
United States District Judge